

## ADVISORY COUNCIL ON WILDLIFE & FRESHWATER FISH MEETING MINUTES

TUESDAY, June 25, 2019

Richardson & Robbins Building Auditorium

89 Kings Highway, Dover, Delaware

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### ADVISORY COUNCIL

1. Edward A. Montague, Chair
2. Garrett Grier, Jr., Vice Chair
3. Raymond F. Burris
4. Neal Dukes (Absent)
5. Nathan Hudson
6. Joe C. Johnson
7. Steven Kendus
8. Dale R. Scuse
9. F. Thomas Unruh

### DIVISION OF FISH & WILDLIFE

1. Director David E. Saveikis
2. Rob Hossler
3. Bruce Cole
4. Kerri Yandrich
5. Michael Stangl
6. Chief Drew Aydelotte
7. Craig Rhoads
8. Dana Patone

### PUBLIC

4 Visitors

The meeting was called to order by Chairman Montague at 7:00 pm.

#### **Agenda Item 1. Approval of Minutes (Chairman).**

A motion was made by Councilman Kendus, seconded by Councilman Unruh and the Council voted unanimously to approve the May 28, 2019 meeting minutes with the following correction: *A motion was made by Councilman Unruh, seconded by Councilman Dukes and the Council voted 6-1 recommending removing the proposed regulation change to eliminate gunning rig regulations requiring landowner permission to hunt waterfowl within specified distances from the shoreline of the Delaware River and Bay between the Appoquinimink River and the Murderkill River.* The previous minutes indicated a unanimous recommendation.

#### **Agenda Item 2. Delaware Sport Fishing Tournament 2019 (Bruce Cole).**

Bruce Cole, fisheries biologist, gave a presentation on the Division's Delaware Sport Fishing Tournament, summarizing the history of the tournament from the 1930s to the present, followed by describing the changes implemented during 2017 and 2018. The tournament now includes 15 freshwater species and 30 saltwater species, plus an "Unusual Species" category that includes species not native to Delaware or not currently tournament species. There were 362 tournament entries in 2018 for the live release and weigh-in categories combined. In July 2017, a youth tournament division for anglers aged 15 and under was created for both the live release and weigh-in categories. The citation lengths and weights for the youth division are 25% less than those for the adult division. Mr. Cole presented examples of the

newly designed plaques awarded for the largest fish of each species each year, the newly enhanced paper citation certificates and new 2018, 2019 and 2020 collectable lapel pin awards.

#### **Agenda Item 3. Land Acquisition Update (Kerri Yandrich).**

Kerri Yandrich, conservation land acquisition specialist, gave a presentation on properties purchased and added to state wildlife areas during the last two years. Since 2017, the Division of Fish & Wildlife has acquired 1,392 acres located throughout all three counties. A total of \$8,386,149 in funds were used for acquisitions within the past two and a half years, to include use of Open Space funds (state), Pittman-Robertson funds (federal), and two competitive federal grants. In addition, four properties were donated to the Division. These new acquisitions expand existing wildlife areas, ponds and reserves for habitat conservation/management and to allow for more outdoor recreation access and activities in these areas such as hunting, fishing and wildlife viewing. Areas expanded from 2017 to present in New Castle County are Eagles Nest Wildlife Area, Cedar Swamp Wildlife Area and Blackbird Reserve. In Kent County, new acquisitions in the past two and a half years expanded the Tappahanna Wildlife Area, Little Creek Wildlife Area, Ted Harvey Conservation Area and Milford Neck Wildlife Area. In Sussex County, new acquisitions expanded the Mispillion Harbor Reserve, Old Furnace Wildlife Area, Midlands Wildlife Area and Records Pond shoreline access during the same time period. The Division is currently in conversations with landowners to acquire other priorities to conserve additional lands and expand public access and opportunities for outdoor recreation.

Councilman Scuse inquired about the newly acquired properties and whether any were enrolled in the Agricultural Preservation Program. It was explained that the Sheats property at Cedar Swamp that the Division received as a donation was the only recently acquired property so enrolled. Lands enrolled in agricultural preservation are protected from development, but do not provide any public access. Director Saveikis explained that if the Division were to acquire any properties enrolled in agricultural preservation that only the value of the undevelopable share of the property would be purchased since the development rights were already paid for by the Agricultural Preservation Program, and the land owner could not “double dip” and get paid by the state for the same land value twice. Councilman Scuse also asked if the Division considers the cost of land maintenance when considering the purchase of a parcel, since the Division has told the Delaware Bay Retriever Club that it didn’t have sufficient funds or staff to maintain the retriever training area located on the C&D Canal Conservation Area. Director Saveikis assured him that the Division considers the cost of land maintenance and explained that the Delaware Bay Retriever Club is responsible for maintenance of the subject retriever area under a separate lease with the Army Corp of Engineers and that maintenance and management of dog training areas are not eligible activities under Pittman-Robertson funds that are used to manage most state wildlife areas. Councilman Kendus asked for clarification on what Pittman-Robertson funds were for the benefit of the audience, and Director Saveikis explained they were funds derived from federal excise taxes on firearms, ammunition and archery equipment provided to the states for wildlife-related activities at a 3:1 ratio wherein the federal government provides \$3 for every \$1 put up by the state (state hunting license revenues are the primary source for the state share of this funding).

#### **Agenda Item 4. Expansion of the Designated Trout Stream Area on Pike Creek (Michael Stangl).**

Michael Stangl, fisheries program manager, gave a presentation on the proposed 0.9 mile expansion of the portion of Pike Creek designated as a trout stream. He explained that currently there is limited public access on this stream due to the sale of Three Little Bakers Golf Course, which resulted in the loss of one mile of accessible trout stream and that there have been multiple complaints from property owners of public trespass. Mr. Stangl met with the superintendent of White Clay Creek State Park to discuss the inclusion of the “Judge Morris Estate Tract” next year as part of this designated trout stream. Mr. Stangl reported that pull off areas along the stream would provide adequate parking.

This trout stream expansion would require a regulatory change, and Mr. Stangl requested a Council recommendation. After a discussion of the proposed trout stream expansion, a motion was made by Councilman Kendus, seconded by Councilman Grier and the council voted unanimously to endorse the trout stream expansion. The Division will proceed with promulgating the proposed regulation change through the formal public regulatory adoption process.

#### **Agenda Item 5. Director’s Update (David E. Saveikis).**

Director Saveikis briefed the Council on the following relevant legislation initiated by and being considered by the Delaware General Assembly: H.B. 97 to allow non-resident, full-time students in a public or private college within Delaware to purchase a Delaware hunting, trapping or fishing license at the same fee charged a resident (released from House Natural Resources Committee on April 10, 2019); H.B. 156 to allow non-residents who have been honorably discharged from the armed forces of the United States and have at least a 60% service connected disability to be license exempt to hunt, trap and fish similar to the current exemption for residents (passed the House on June 20, 2019 and has been assigned to the Senate); and S.B. 100 to increase shot and pellet size permitted in air guns up to .25 caliber (released by the Senate Judicial Committee on June 12, 2019).

Director Saveikis generally informed the Council of the following other legislation initiated and introduced by the Delaware General Assembly: S.B. 155 to narrow the definition of “firearm” to align with the federal criminal background check law definition; S.B. 149 to establish the right to hunt, fish and trap; S.B. 68 to prohibit assault weapons; S.B. 69 to require a firearms purchasing card to purchase a firearm; and S.B. 70 to define and prohibit large-capacity firearm magazines.

Councilman Kendus requested an update on hunting and wildlife regulation changes. Director Saveikis informed the Council that the proposed regulation changes are extensive and complicated, involving numerous proposed changes within 14 of 16 existing regulation sections and adding two new regulation sections that takes several months to develop. There are then dozens of steps to the process to include a formal public hearing that will take at least six months to complete and adopt the regulation changes. Director Saveikis indicated that he would keep the Council updated as this process unfolds.

Director Saveikis updated the Council on the new specialty sport fishing license plates available from the Division of Motor Vehicles from which plate sale revenues will be used by the Division to enhance recreational fishing in Delaware.

Director Saveikis updated the Council on the 2019/2020 Hunting & Trapping Guide now available, providing a copy to each Councilman.

Director Saveikis apprised the Council that there will be a subcommittee initiated by the Advisory Council on Tidal Finfisheries to evaluate the current fishing and hunting fine structure. The subcommittee organizers will request that members of the Advisory Council on Wildlife and Freshwater Fish participate in the subcommittee (as well as members of the Council on Shell Fisheries). After discussion, Council Chair Montague and Councilman Hudson volunteered to participate on the subcommittee.

#### **AGENDA FOR THE 8/27/2019 ADVISORY COUNCIL MEETING**

Council asked the Division of Fish & Wildlife to provide the agenda for the next meeting, with the Division subsequently developing the following agenda:

1. Approval of Minutes from June 25, 2019 Council Meeting (Chairman).
2. Nanticoke River American Shad Restoration Update (Johnny Moore)
3. Delaware Bayshore Initiative Projects Update (Anthony Gonzon)
4. Proposed Wildlife Viewing Enhancements at Ted Harvey Conservation Area (Anthony Gonzon)
5. Director Update (David E. Saveikis).

There being no further business, a motion was made by Councilman Scuse, seconded by Councilman Kendus and unanimously approved by the Council to adjourn the meeting at 8:18 pm.

Sincerely,



Dana Patone  
Recording Secretary